

THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 11th day of April, 2007

W.P.No.9086 of 1998

Between:-

M. Srinivasa Rao

... Petitioner

and

Depot Manager, A.P.S.R.T.C.,
Nizamabad and others
Respondents

...
... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

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ORAL ORDER:

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This Writ Petition is filed seeking a declaration that the action of the 1st respondent in reducing two increments for a period of two years with cumulative effect from the salary of the petitioner, as confirmed by the Deputy Chief Traffic Manager, Nizamabad, is arbitrary and illegal.

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It appears, petitioner while serving as a Driver in the respondent-Corporation was issued with a charge sheet dated 5-10-1995 alleging that due to his rash and negligent driving, the bus bearing No.AP 9Z 7635 hit a stationed private lorry, resulting in injuries to 4 passengers in the bus and heavy damage to the bus and lorry besides causing inconvenience to the travelling public. After conducting a detailed enquiry into the matter, petitioner was inflicted with a punishment of stoppage of two increments for a period of two years, which shall have effect on future increments and the suspension period was treated as not on duty and the petitioner was also directed to pay a sum of Rs.1,000/- towards the cost of damages by an Order dated 12-2-2006 of the 1st respondent. Aggrieved by the same, the petitioner filed an appeal, which was rejected by the Deputy Traffic Manager, Nizamabad through his Proceedings dated 6-8-1996. Challenging the same, the petitioner filed a review petition, which was also dismissed by the Regional Manager, Nizamabad by an Order dated 1-9-1997; however, set aside the order of the 1st respondent to the extent

of paying damages of Rs.1,000/-. Questioning the said Orders, the present Writ Petition is filed.

I have gone through the impugned orders and other material made available on record.

I am of the opinion that the charge against the petitioner is very simple that the petitioner while driving the bus, hit the stationed private lorry and thus he was rash and negligent in driving the bus. The Enquiry Officer, after conducting a detailed enquiry, found that due to lack of control and negligence of the petitioner, the accident occurred and the charge levelled against him is proved. Admittedly, the bus driven by the petitioner hit a stationary lorry. Thus, the finding that the petitioner was guilty of the charge cannot be said to be either arbitrary or illegal or contrary to the evidence on record or perverse. Therefore, the enquiry conducted by the Enquiry Officer and the impugned Orders dated 12-2-2006 passed by the 1st respondent as confirmed by the Deputy Traffic Manager, Nizamabad and the 2nd respondent do not suffer from any irregularity calling for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of any merit and is liable to be dismissed. That apart, now it is stated that the petitioner expired during the pendency of the Writ Petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

11-4-2007

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